


MEMORANDUM

Date: August 27, 2008

To: Marcus Santiago
Head Park Patrol Officer

From: Dennis Kern 
Director of Operations

Subject: Letter of Instruction

The Human Resources Director, acting on a December 2006 complaint from 8208 Park Patrol Officer Michael Horan that you discriminated against him because of his race and age in the assignment of overtime, has investigated the allegations and issued determinations as indicated in her letter of May 22, 2008 (attached). The Department of Human Resources determined that you had assigned more overtime to officers who were Asian and younger than Mr. Horan. As noted in the letter, the Acting Human Resources Director had previously made a similar finding against the Department in June 2007 as a result of a discrimination complaint filed by Paula Gannon (EEO File #1179).

In my September 17, 2007 letter to you, I directed that distribution of overtime assignments must be documented and consistent with relevant provisions of the Collective Bargaining Agreement (CBA) and the City's equal employment opportunity policy. Further, I directed that you prepare a memorandum to Park Patrol Officers under your supervision describing how overtime assignments will be made, including how a Park Patrol Officer could raise a complaint if s/he believes assignments are not distributed equitably.

I concur in the determination of the Human Resources Director that these efforts were insufficient. Therefore, I am again instructing you to follow the Department's overtime procedures and to document the distribution of overtime assignments. This includes compliance with EEO policies/requirements and Paragraph 357 of the CBA which provides that overtime assignments shall be equalized among all volunteers on an annual basis and that all contact attempts made for offering overtime be documented. In addition, the following actions will be taken:

- You are to prepare a memorandum to Park Patrol Officers, with a copy to me and the Human Resources Director, describing how overtime assignments will be made and documented. This memorandum will again include information on how an officer could raise a complaint if s/he believes assignments are not distributed equitably.
- I will continue to monitor overtime assignments made under your supervision.
- You are to remove the performance standard for NERT training from Officer Horan's 2007 Performance Appraisal and review your determination of his overall performance rating.

